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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/574,444 | 04/04/2006 | Hubert Cecile Francois Martens | NL 031239 | 9673 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,444

Applicant(s)

MARTENS ET AL.

Examiner

BRIAN BUTCHER

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☒ Claim(s) 4-11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (**commencing on a separate sheet and within the range of 50 to 150 words in length**).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **The description does not mention reference numeral "2" shown in Figure 1.** Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 4 – 6, 8, 10 and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Also, **claims 7 and 9** are objected to as depending from multiple dependent claims which cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Woerlee et al. (United States Patent US 7,218,603), hereinafter referenced as Woerlee.

Regarding **claim 1**, Woerlee discloses an optical data storage medium that reads on the dual-stack optical data storage medium claimed. Woerlee discloses “A dual-stack optical recording medium (10) for write-once recording using a focused radiation beam (9)” (column 4, lines 40 – 42, figure 1 items 20 and 30), “having a wavelength of approximately 655 nm” (column 2, lines 32 – 33 ‘around 650 nm’), “entering through an entrance face (8) of the medium (10) during recording” (column 4, lines 42 – 44, figure 1 items 25 and 20), “at least one substrate (1, 7) with present on a side thereof” (column 4, lines 44 – 45, figure 1 items 1a and 1b), “a first recoding stack (6), named L0, comprising a write-once type L0 recording layer, said first recording stack L0 having and optical reflection value R_{L0} and an optical transmission value T_{L0} ” (column 4, lines 45 – 50, figure 1 items 2, 6 ‘optical transmission of $T_{L0a} \dots T_{L0c}$ ’ and column 3, lines 43 – 45 ‘reflective layer is present in the L0 stack’), “a second recoding stack (3), named L1, comprising a write-once type L1 recording layer, said second recording stack L1 having

an effective optical reflection value R_{L1eff} , said first recording stack being present at a position closer to the entrance face than the second recording stack" (column 4, lines 51 – 53, figure 1 items 3 and 11), "a transparent spacer layer (4) sandwiched between the recording stacks (3, 6)" (column 4, lines 53 – 55, figure 1 items 4, 2, and 3), and "characterized in that $0.12 \leq R_{L0} \leq 0.18$ and $0.12 \leq R_{L1eff} \leq 0.18$ " (column 3, lines 57 – 59, figure 1 items L0, L1 'R_{L0} and R_{L1} have a value between 0.03 and 0.18').

Regarding **claim 2**, Woerlee discloses everything claimed as applied above (see claim 1), in addition Woerlee discloses "A dual-stack optical data storage medium . . . wherein $0.15 \leq R_{L0} \leq 0.18$ and $0.15 \leq R_{L1eff} \leq 0.18$ " (column 3, lines 57 – 59, figure 1 items L0, L1 'R_{L0} and R_{L1} have a value between 0.03 and 0.18').

Regarding **claim 3**, Woerlee discloses everything claimed as applied above (see claims 1 and 2), in addition Woerlee discloses "A dual-stack optical data storage medium . . . wherein R_{L0} is substantially equal to R_{L1eff} " (column 3, lines 53 – 55, figure 1 items L0, L1 'effective optical reflection values R_{L0} and R_{L1}, which are substantially equal').

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BMB

October 6, 2008

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627